

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOSEPHINE LOUELLA WASHINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-10195

MELISSA GILLESPIE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court are Plaintiff's Complaint and Request for Injunction, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs ("IFP Application"), (ECF No. 1). By Standing Order filed in this case on October 28, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley entered his PF&R on July 2, 2018, recommending that the Court dismiss the Complaint under Federal Rule of Civil Procedure 12(h)(3) for lack of subject matter jurisdiction and deny as moot Plaintiff's IFP Application. (ECF No. 5.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's

Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due on July 19, 2018. To date, no objections have been filed. The Court therefore **ADOPTS** the PF&R, (ECF No. 5), **DISMISSES** the Complaint under Rule 12(h)(3) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction, (ECF No. 2), and **DENIES AS MOOT** Plaintiff's IFP Application, (ECF No. 1). The Court further dismisses this matter and **DIRECTS** the Clerk to remove this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 24, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE